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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/824,962
Filing Date: April 15, 2004
Appellant(s): MILLER ET AL.

Himanshu S. Amin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/17/07 appealing from the Office action mailed 1/16/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. Claims 22-31, 33-43 and 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US pat. #6,381,603) in view of Kari et al. (US pat. #6,154,745).

1) Regarding claims 22-23 and 25, Chan et al. discloses:

a) the claimed system (Figs. 3, 7-8, 13-14) for directing and receiving information to and from relevant geographical locations, comprising: a document (Fig. 6) that comprises information associated with a geographic region; a component that receives a query (see e.g. step 45 in Fig. 4), and a component that directs the document to a user upon entrance into the geographic region and based at least in part upon contents of the query (Figs. 4, 6, 9-10); the document comprising information associated with the geographic region dynamically linked from a database upon entrance into the geographic region (link is dynamic in that the document information, i.e. search/query result, varies with the query including the location and set criteria, and when the information is event related, e.g. Figs. 11-12, the information in the database is also dynamically updated)

except:

b) specifying the claimed where said component AUTOMATICALLY directs the document to the user upon entrance into the geographic region.

Chan et al. teaches automatically updating the mobile communication system's current location in the search query so that when the updated location is combined with the rest of the query parameters, which may or may not have changed (i.e. may or may not required updating), the query is resent for updated linked information (col. 6, lines 21-65 and Figs. 5-6), but did not specify whether such resending of the query and updating of the linked information is automatic

and dynamic, even though original queries and queries with manually inputted changes to other search criteria require a manual "Submit" button actuation according to Figs. 5-6. Kari et al. teaches a similar system specifying the alternative of automatically and dynamically updating the linked information provided to the user corresponding to changes in current location, i.e. during a trip of the user (col. 16, lines 18-25). In view of the teachings by Chan et al. and Kari et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement the automatic and dynamic updating of the linked information to correspond to the mobile communication system's current location such as taught by Kari et al. in a system such as taught by Chan et al. to provide convenience to the user for situations where the only change/update of the query criteria is the automatically updated current location (i.e. other search/query criteria stay the same) by eliminating the needless manual actuation of the "submit" button.

In Chan et al., the information/document provided to the user based on user location (Figs. 4, 6, 9-10) can include a geographic range/boundary criteria of, e.g. "city", which is a geographic region. As such, the information associated with a particular "city" range is not provided to the user until the user's location has been determined to be within that city's geographic perimeter, i.e. upon the user entering the geographic region of such "city", e.g. from a neighboring city, when the user is on the move. Therefore, Chan et al. meets the claimed limitation of providing information upon determining the user entering a geographic region, and, in view of Kari et al. that provides motivation for known use of automatic updating/provision of this geographic location-based information to the user, meet all of the claimed subject matter.

2) Regarding claim 24, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 23, including:

--the claimed wherein the database is the Internet (Figs. 3-4 of Chan et al. showing that the database is part of an Internet service provider inherently linked to and part of the Internet).

3) Regarding claim 26, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 22, including:

--the claimed further comprising a GPS component that dynamically determines a geographic region associated with the user (37 in Fig. 3 and 52 in Fig. 5 of Chan et al.).

4) Regarding claims 27-28, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 22, including: the claimed further comprising a component that analyzes demographic information relating to the user, wherein the document is directed to the user based at least in part upon the analyzed demographic information (Fig. 1; col. 2, lines 13-19 and col. 9, lines 22-45 of Kari et al. which teaches using stored user profile including vehicle type driven by the user (see Table 2) corresponding to a user terminal and coupled to a connection server to facilitate user queries by having pre-stored user profile data to accelerate information search and retrieval while excluding unnecessary information retrieval).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use the mass storage medium stored user profile such as taught by Kari et al. in a system such as taught by Chan et al. and Kari et al. so that the server when retrieving data for directing to the user can take into account user profiles in order to accelerate information search and retrieval while excluding unnecessary information retrieval.

5) Regarding claim 29, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 22, including the claimed portable device comprising the system (col. 3, lines 11-18 of Chan et al.).

6) Regarding claim 30, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 22, including the claimed automobile comprising the system (col. 3, lines 11-18 of Chan et al.).

7) Regarding claim 31, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 22, except:

--specifying that a region identifier is associated with the document.

Chan et al. chose position identifiers for the documents instead of region identifiers in the system in order to allow cross regional boundary searches (col. 1, lines 39-57) while still allowing regional searches (col. 6, lines 27-42). It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that the more specific position identifier in a system such as taught by Chan et al. allows cross regional boundary searches while requiring a larger number of identifiers as comparing to the known use of regional identifiers, wherein use of a larger number of identifiers makes for a more complex system providing more flexible searches at the expense of requiring higher complexity and cost of the system, and that region identifiers can be chosen in the system to reduce overall complexity and cost of the system if cross regional searches are not crucially important in intended application of the system as a system design tradeoff.

8) Regarding claim 33, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 22, including:

--the claimed further comprising a component that receives a query, wherein documents returned based upon the query are restricted to documents comprising information relating to a current geographic region of the user (Figs. 5-6 of Chan et al.).

9) Regarding claim 34, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 22, except:

--the claimed at least a portion of the information within the document directed audibly to the user.

Chan et al. provides the document in the form of: a map location, merchandise, and price information (Fig. 6), map location and event information (Fig. 12), and map location and person information (Fig. 18).

Since at least some of such information can be provided audibly to the user (such as in voice and map vehicle navigation systems outputting route guidance, points of interest, traffic events information, etc.), it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement the document output in Chan et al. and Kari et al. so that at least a portion of the document is directed audibly to the user especially when the system is implemented on a vehicle (col. 3, lines 11-18 of Chan et al.) so that the user can spend more time looking at the road for improved safety.

10) Regarding claim 35, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 22, including:

--the claimed wherein the document is pushed from a database assigned to the geographic region (Chan et al. discloses using distributed database system 14 according to col. 5, lines 1-6, each identified by a location identifier associated with a geographic location, wherein the

location identifier is embedded into data or the plurality of data sources according to col. 5, lines 7-19).

11) Regarding claim 36, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 22, including:

--the claimed wherein at least one of size and shape of the geographic region is defined by the user ("position" and "range" optional manual input parameters in Fig. 6 of Chan et al.)

12) Regarding claim 37, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in the consideration of claims 26 and 31 (which include consideration of claim 22), including the claimed "... dynamically determines entrance into a geographic region by a user... one or more of the documents that comprise region identifiers corresponding to the geographic region entered into by the user."

The information provided to the user based on user location in Chan et al. (previous Office action cited Figs. 4, 6, 9-10 in considering claim 22) can include a geographic range criteria of, e.g. "city", which is a geographic region. As such, the information associated with this "city" range is not provided to the user until the user's location has been determined to be within the city geographic perimeter, i.e. upon the user entering the geographic region of such "city". Therefore, Chan et al. meets such claimed limitation of providing the information upon determining the user entering a geographic region, while combination with Kari et al. establishes the desired "automatic providing/updating" limitation.

13) Regarding claim 38, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 37, plus the consideration of claim 25 above.

14) Regarding claim 39, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 37, plus the consideration of claim 27 above.

15) Regarding claim 40, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 37, plus the consideration of claim 29 above.

16) Regarding claim 41, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 37, including:

--the claimed wherein the region identifiers (as established in the consideration of claim 31 to be an obvious alternative to location/position identifiers) are embedded into the plurality of documents (col. 5, lines 7-19 of Chan et al.)

17) Regarding claim 42, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 37, plus the consideration of claim 24.

18) Regarding claim 43, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in the consideration of claim 22, and further including:

--the claimed delivering a disparate document to the user based at least in part upon a sensed alteration on geographic location of the user (Chan et al. teaches automatically updating the mobile communication system's current location in the search query so that when the updated location is combined with the rest of the query parameters, which may or may not have changed (i.e. may or may not required updating), the query is resent for updated linked information/document according to col. 6, lines 21-65 and Figs. 5-6).

The "record information associated with a geographic region" in Chan et al. meets the claimed "document", and Chan et al. in combination with Kari et al. teaches automatically

directs/presents the document to a user (on the user device) upon entrance into the geographic region as indicated in above.

19) Regarding claim 45, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 43, plus the consideration of claim 25.

20) Regarding claim 46, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 43, plus the consideration of claim 26.

21) Regarding claim 47, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 43, including:

--the claimed assigning the current geographic location of the user to a geographic region, and delivering the document to the user based upon the assigned geographic region (Fig. 6 of Chan et al., in which "city" as region can be assigned as the "range" parameter for document delivery).

22) Regarding claim 48, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 47, plus the consideration of claim 41.

23) Regarding claim 49, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in the consideration of claim 22.

24) Regarding claim 50, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 49, plus the consideration of claim 25.

2. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. in view of Kari et al. and Dussell et al. (US pat. #5,938,721).

1) Regarding claim 32, Chan et al. and Kari et al. render obvious all of the claimed subject matter as in claim 22, except:

--specifying that the document is the claimed web page.

While Chan et al. discloses using Internet database documents without specifying the use of web pages, Dussell et al. teaches in a similar system that a database can be implemented as a website so that the documents of the Internet database would be web pages.

In view of the teachings by Chan et al., Kari et al. and Dussell et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that the Internet database in a system such as taught by Chan et al. and Kari et al. can be implemented by a web pages in view of the teachings of Dussell et al. based on user preference of how the documents would appear.

(10) Response to Argument

Applicant's arguments filed 10/25/06 have been fully considered but they are not persuasive.

1) Proper 35 USC 103 obviousness consideration guidelines, including proper motivation, have been complied with in the Office action rejection. See rejection above and argument rebuttal below for detail. Some of the clarification and rebuttal of arguments from the previous Office actions have been incorporated into the rejection above; no new ground of rejection has been introduced.

2) "A document" has been interpreted and met by the information delivered to and displayed at the user device in its (unspecified) data form in Chan et al. Document/information delivered to the user device corresponding/correlated to the geographic location including geographic region (e.g. a city) in a way that such information is discriminated/filtered to belong

to such geographic region in Chan et al. reads on the claimed "a document that comprises information associated with a geographic region". Note the breadth of the term "associated" here is very broad, and is broader than what appellant seems to be arguing.

Since the information associated with this particular "city" range is not provided to the user until the user's location has been determined to be within the city's geographic perimeter, i.e. upon the user entering the geographic region of such "city" from a neighboring city when the user is on the move. Therefore, Chan et al. does meet the claimed limitation of providing information upon determining the user entering a geographic region, and, as indicated in the rejection, in view of Kari et al. that provides motivation for known use of automatic updating/provision of this geographic location based information to the user to provide user convenience by omitting the necessity for user manual pressing of a "submit" button, meet all of the claimed subject matter as in claim 22. Remaining claims are similarly rejected, with detailed rejection explanation provided in the Office action rejection.

3) As such, the combination of Chan et al. and Kari et al. teaches a system/method that automatically directs the document, that comprises information associated with a geographic region, to a user upon entrance into the geographic region, by automatically directing a document to the user associated with or corresponding to a geographic location or region whereby the user location is changeable and updated as when the user is on the move.

4) In Chan et al., a database dynamically linked via the Internet (Figs. 3-4) meets the claimed "wherein the database is the Internet" since database linked/connected to the Internet as is the case in the "Internet service provider" can be seen as part of the Internet, and automatic user location update to automatically deliver disparate document based on user location wherein

the update includes user location alterations meets the claimed delivering a disparate document based upon a sensed alteration in user location.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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